HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT APPEAL No. 26 OF 2007
And
Writ Petition No.26629 of 2006

Writ Appeal No.26 of 2007

Between:

Ch. Surya Rao

..... Appellant

AND

State of Andhra Pradesh
Rep. by its Secretary,
Department Cooperation,
Hyderabad & others

.....Respondents

Writ Petition No.26629 of 2006

Between:

Ch. Surya Rao

..... Petitioner

AND

State of Andhra Pradesh
Rep. by its Secretary,
Department Cooperation,
Hyderabad & others

.....Respondents

:: J U D G M E N T ::

Counsel for the appellant : Shri Kowturu Vinay Kumar

Dated: 05.01.2007

Per G.S.SINGHVI, CJ

This appeal is directed against order dated 27.12.2006 passed by the learned Single Judge in Writ Petition No.26629 of 2006, whereby he rejected the appellant's prayer for issue of a mandamus to the official respondents to follow the rule of reservation specified under Section 31(1)(b) of the Andhra Pradesh Cooperative Societies Act, 1964, as amended from time to time, and rules framed thereunder and Clause 9(3) of the bye-laws of Cooperative Electric Supply Society Limited, Sircilla (respondent No.4 herein).

A perusal of the order under challenge shows that the learned Single Judge dismissed the writ petition filed by the appellant along with Writ Petition No.22387 of 2006 filed by Dalit Liberation Front. In the opinion of the learned Single Judge, respondent No.4 is not one of the societies enumerated under Rule 22-A (1) of the Andhra Pradesh Cooperative Societies Rules, 1964 and the bye-laws notified by the government do not provide for reservation of seats for Scheduled Castes and Scheduled Tribes.

At the commencement of hearing, we enquired from Shri Kowturu Vinay Kumar, learned counsel for the appellant as to what is the locus of his client to seek reservation of seats for Scheduled Castes and Scheduled Tribes in the election being held for respondent No.4. In reply, learned counsel made an oral statement that the appellant belongs to

Scheduled Caste and, therefore, he is entitled to seek a direction for reservation of seats for the members of the reserved category. However, he candidly admitted that the writ petition filed by his client is conspicuously silent on this issue and made a request that the appeal along with Writ Petition No.26629 of 2006 may be dismissed as withdrawn with liberty to his client to file fresh petition with better particulars.

The request of the learned counsel is accepted and the appeal is dismissed as withdrawn along with Writ Petition No. 26629 of 2006 with liberty in terms of the prayer made.

As a sequel to dismissal of the appeal, W.A.M.P.No. 39 of 2007 filed by the appellant for interim relief is also dismissed.

G.S.SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

05.01.2007
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